

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES L. MCNEIL,
Petitioner,
v.
RICHARD MORGAN,
Respondent

Case No. C05-5328FDB

ORDER DENYING
APPLICATION TO PROCEED *IN
FORMA PAUPERIS*

The Magistrate Judge issued a Report and Recommendation that the Court deny Petitioner's application to proceed *in forma pauperis* because under his financial circumstances it is reasonable to require him to do so. Petitioner objects to the Magistrate Judge's citations of authority to cases outside this District and to the Magistrate Judge's reference to Petitioner's \$55.00 per months earnings, arguing that he must be extremely frugal and is held accountable for may other expenses aside from rent or food.

The Court, having reviewed the report and recommendation, petitioner's application to proceed in forma pauperis, Petitioner's objections, and the remaining record, hereby finds and ORDERS:

- (1) the Magistrate Judge's report and recommendation is approved and adopted;
- (2) petitioner's application to proceed in forma pauperis is DENIED.
- (3) petitioner shall pay the required filing fee (\$5.00) to the Clerk of the Court within 30 days of the date of this Order, otherwise this action will be dismissed.
- (4) the Clerk is directed to send copies of this Order to petitioner and any other party that has appeared in this action.

DATED this 29th day of June 2005.

FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE